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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,904	04/03/2001	David Orshan	ILEAP003	3693
7590 02/04/2005				
C. Douglas McDonald, Esq. Carlton Fields, et al. P.O. Box 3239 Tampa, FL 33601-3239			EXAMINER NGUYEN, STEVEN H D	
			ART UNIT 2665	PAPER NUMBER

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/825,904	Applicant(s) ORSHAN, DAVID	
	Examiner Steven HD Nguyen	Art Unit 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son (US 20020026645) in view of Richardson (US 20040071216).

Regarding claims 1, 7 and 13, Son discloses a system and method for delivering content utilizing a guaranteed bandwidth network service (Page 3, Sec 35) comprising storing content in a central server (Fig 1, Ref 102 for storing video content) and receiving requests at the central server from a user at a computer terminal (Fig 1, Ref 122) utilizing a virtual private network (Fig 1, Ref 104, Page 2, Sec 24, VPN), wherein the requests are routed from a module (Fig 1, Ref 119) positioned within a limited distance from the computer terminal (Fig 1, Ref 122 and 119) and which is capable of sending the requests to other destinations utilizing the Internet (Fig 4, Page 5, Sec 49-50 and Fig 6, Page 6, Sec 60-64); See Page 1, sec 6-8, 10, Page 2, Sec 21-28, Page 3, Sec 32, 35, Pages 4-5, Sec 38-45, 49-50 and pages 6-7, Sec 60-64). However, Son does not fully disclose the distance between the module and terminal is within 1000 feet. In the same field of endeavor, Richardson discloses a method and system which comprising a module, user terminal, video server, internet (Fig 1, Ref 14) and wherein accessing the video server (Fig 3, Ref 31) via module (Fig 3, Ref 33) and ATM network (Fig 3, Ref 32) from the user terminal (Fig 3, Ref 34) and the distance between module and the user terminal is 1000 feet (See Page 1, Sec 4).

Since, the distance between the CPE and DSLAM is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to place the CPEs at a distance within 1000 feet from the DSLAM as disclosed by Richardson's system into the system of Son. Even without the teaching of Richardson, one of ordinary skill in the art recognizes that the quality of the signal being corresponding to a distance between the DSLAM and CPE. The motivation would have been to maintain a constant bit rate between DSLAM and CPE and good quality signal.

Regarding claims 2, 8 and 14, Son discloses the module includes a multiplexer (Fig 1, Ref 119).

Regarding claims 3, 9 and 15, Son discloses the multiplexer includes a digital subscriber line access multiplexer (DSLAM) (Fig 1, Ref 119).

Regarding claims 4, 10 and 16, Son discloses the requests received by the central server are pre-registered (Page 4, Sec 39).

Regarding claims 5, 11 and 17, Son discloses the requests received by the central server are tracked for billing purposes (Page 4, Sec 39).

Regarding claims 6, 12 and 18, Son discloses the content includes video (Page 4, Sec 39).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Allan (USP 6788696) discloses a method and system for a client to access a content server via DSLAM and ATM network and Internet.

Dunn (USP 6154772) discloses a method and system for delivering the video and data to the clients.

Gelman (USP 6493348) discloses a method and system for delivering the video and data to the clients.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Steven HD Nguyen
Primary Examiner
Art Unit 2665
2/3/05